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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,686	11/17/2003	Todd Pihl	FXI03-01	5371

7590 01/10/2005

David E. Huang, Esq.  
CHAPIN & HUANG, L.L.C.  
Westborough Office Park  
1700 West Park Drive  
Westborough, MA 01581

EXAMINER

DANIELS, MATTHEW J

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/714,686	<b>Applicant(s)</b> PIHL ET AL.	
	<b>Examiner</b> Matthew J. Daniels	<b>Art Unit</b> 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/1/04, 5/13/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The cancellation of Claims 7-12 and 19-24 in Applicants' submission of 11/17/2003 is noted. The Patent Application Fee Determination Record of 11/17/2003 (PTO-875) correctly records 12 total claims, 2 independent claims. The Examiner thanks the Applicants for pointing out the cancellation. Claims 1-6 were elected **without** traverse in the reply filed on 11/01/2004, and Claims 13-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-6** are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan (USPN 5763069). **As to Claim 1**, Jordan teaches a method for making mono-axially oriented tape, the method comprising forming a solid sheet of thermoplastic material from molten thermoplastic material (12:57-59 and 10:60-64); producing a set of tape feeds from the solid sheet of thermoplastic material; and stretching and annealing the set of draw tape feeds to orient molecules within the set of tape feeds such that the tensile strength of each tape feed is greater in a first direction than in a second direction which is substantially perpendicular to the first direction (12:29-43). **As to Claim 2**, Jordan further teaches a method wherein the step of stretching and annealing includes the step of: passing the set of tape feeds around a series of rotating temperature-controlled rollers to stretch and anneal the set of tape feeds, wherein the series of rotating temperature-controlled rollers includes a first roller which is configured to rotate at a

first rate and have a first temperature, and a second roller which is configured to rotate at a second rate that is different than the first rate and have a second temperature that is different than the first temperature (12:38-47 and 17:66-18:15). **As to Claim 3**, Jordan teaches a method wherein the step of producing the set of tape feeds includes the step of cutting the solid sheet of thermoplastic material along the first direction to produce, as the set of tape feeds, separate feeds of tape (12:19-21). **As to Claim 4**, Jordan teaches a method further comprising the step of: after the step of stretching and annealing, simultaneously winding the separate feeds of tape onto respective hubs in order to simultaneously form multiple rolls of tape (13:32-36). **As to Claim 5**, Jordan teaches a method wherein the molten thermoplastic material includes molten linear low-density polyethylene (7:22-30), and wherein the step of forming the hardened sheet of thermoplastic material includes the step of: cooling the molten linear low-density polyethylene in a bath (13:13-18). **As to Claim 6**, Jordan teaches a method wherein the molten thermoplastic material includes molten linear low-density polyethylene (7:22-30) and wherein the step of forming the solid sheet of thermoplastic material further includes the step of prior to cooling, extruding the molten thermoplastic through a die that defines an elongated opening (10:47-49).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner cites the following to indicate the state of the art at the time of the invention: Boyd (USPN 4624654), Akao (USPN 5804020), and JP 03-086514A.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Daniels whose telephone number is (571) 272-2450. The examiner can normally be reached on 8:00 am - 5:30 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJD  
12/30/04



**MICHAEL P. COLAIANNI**  
**SUPERVISORY PATENT EXAMINER**